

**Town of Milton  
Planning and Zoning Commission  
Minutes  
October 19, 2004**

**Members Present:**

<b>Linda Rogers</b>	<b>Dean Sherman</b>	<b>Denny Hughes</b>
<b>Mike Filicko</b>	<b>Bob Kerr</b>	<b>Eric Evans</b>

**1. Cannery Village LLC. – Phase IIA and IIB 2-35-20.11 Parcels 52.00, 53.00, 2-35-20.00 57.00, 57.01**

*Planning and Zoning will review the application for an LPD major subdivision and if all conditions are met, may grant final approval. The site plan is for Cannery Village Phase IIA and IIB. Cannery Village LLC filed the application.*

Linda Rogers introduced the application and asked if anyone was present representing the application. Colby Cox stated he was representing Chestnut Street Properties LLC the contract purchaser of the development. Mr. Cox explained he was here asking for final approval for phase 2A and 2B of the Cannery Village. Linda Rogers asked if anyone had any comments on the application. Bob Kerr stated there was information missing from the site plan that needs to be on it before it can be recorded (i.e. monuments, signature block, ect.) Mr. Kerr did say that the engineering prints are correct and ready for approval. There was a lot of discussion about the connection to the Carey Communities, and Mr. Cox stated that if the Town had requested the connection earlier he would have made arrangements for it. However due to this coming after P&Z already gave preliminary approval for this phase Mr. Cox did not want the connection to go through. Mr. Kerr stated that the Town could not require the developer to change his site after receiving preliminary approval however the Town could request it. Mr. Cox stated he did not want the connection at the area presently shown. After much more discussion it was asked that the two developers talk and try and work out an arrangement. Dean Sherman motioned to grant final approval for phase two A & B contingent on the final plan that is to be recorded has all the required data to satisfy the Town and Town Engineer. The motion was seconded and all voted in favor of.

**2. Public Hearing on Rezone of property at 614 Federal St. 2-35-20.11 9.00.**

*Planning and Zoning will review the application from Cannery Village LLC for the Rezoning of parcel 2-35-20.11 9.00 from R-1 Zoning District (Single Family Residential) to R-3 Zoning District (General-Multi-Family Residential). Becker Morgan Group, Inc filed the application.*

Linda Rogers introduced the application and asked if anyone was present to represent the application. John Hopkins from Cannery Village LLC. and Greg Moore from Becker Morgan Group stated they are representing the application and proceeded to explain the reason for the rezone. Mr. Moore explained that the rezone was to increase the density of the housing. They are not planning to include in the site any other uses permitted in the

R-3 zoning except for Townhouses, Duplex's and possible a couple single-family homes. The intent was to improve the character of the neighborhood.

Dean Sherman asked how many homes/dwelling units were they intending to put in there. Mr. Moore stated they intended to have between 27 – 32 units.

Eric Evans stated that this is consistent with the Towns comprehensive plan and the State Planning Office felt that it was keeping with the intent by remaining residential.

After further discussions Dean Sherman made a motion to recommend to Town Council the rezoning to R-3 be approved. Denny Hughes seconded the motion and all voted in favor. Planning and zoning recommended the change of zoning from R-1 to R-3.

**3. Carey Properties LLC – Route 5 2-35-20.00 Parcel 56.00**

*Planning and Zoning will review the application from Carey Properties LLC for an LPD (Large Parcel Development) Master Plan and conditions. Comments will be forwarded to Milton Town Council for their review. Land Tech Land Planners LLC filed the application for Carey Properties LLC.*

Linda Rogers introduced the application and asked if anyone was here to represent the application. Jeff Clark stated he along with Mr. David Rutt, and Mr. Carey was present. Mr. Clark proceeded to explain the conditions that were discussed at an earlier date with the Town of Milton, Town Engineer, Mr. Sherman, Mr. Hughes and Mr. Dutt from the P&Z commission. After reviewing the conditions Mr. Kerr stated the condition for Water & sewer should be added as was on the Cannery LPD and to include the MOU between the Carey's and the Town of Milton. Attached are the new conditions:

## **Recommended Conditions of Approval**

Prepared by

### **The Milton Planning and Zoning Commission**

In Connection with

## **Carey Communities R-1 LPD Master Plan Dated September, 2004**

**Whereas:** On the 27<sup>th</sup> day of August, 2004, an application for a Change of Zone and Master Plan approval was filed on behalf of Carey Communities, Inc.; and

**Whereas:** On the 21<sup>st</sup> day of September, a public hearing was held, after notice, before The Milton Planning and Zoning Commission and said Planning and Zoning Commission recommended that the change of zone be approved; and

**Whereas:** The Milton Planning and Zoning Commission recommends that the Master Plan be approved subject to the following conditions:

1. The maximum number of residential units shall not exceed 425.
2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by applicant in accordance with DelDOT's determination.
3. The approval of the Master Plan and these conditions is contingent upon receiving approval from the Cape Henlopen School District and the legal transfer of property.
4. All storm water management and erosion and sediment control shall be accordance with applicable State of Delaware and Sussex Conservation District requirements.
5. The Water System Infrastructure within the entire LPD shall be dedicated to the Town of Milton.
6. The Sanitary Sewer System Infrastructure within the entire LPD shall be dedicated to the Town of Milton in accordance with the signed Memorandum of Understanding dated July 6, 2004.
7. Parking requirements for Carey Communities shall be as follows:

General:        Parking spaces shall be a minimum of 10' x 20' for perpendicular parking and 10' x 22' for parallel parking exclusive of access aisles and drives.

A.        **Single Family Detached Dwellings, Two Family Semi-Detached Dwellings, Town-homes and Multi-Family Dwellings** - two (2) spaces per unit combining on-street and off-street parking as follows:

- X        A garaged parking space shall be counted as one half space.
  - X        An on-street space in front of the dwelling shall count as one half space.
  - X        A space measuring 10' x 20' in a driveway behind or beside of a garage totally within the property boundaries of the lot occupied by the house shall count as one full space.
  - X        No part of a parking space shall be allowed to extend into any alley right-of-way and no parallel parking is permitted within an alley.
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8. The maximum area for commercial and neighborhood business uses of convenience and necessity to the development as a whole together with required accessory parking and required loading incident to such commercial uses shall not exceed eight and one-half (8 1/2) acres.
  9. Building permits may be issued by the Town of Milton for "Model" homes construction without the required bonding fees for public street and

utility construction. It is understood that “Model” homes shall not receive certificates of occupancy from the Town of Milton until required phased street and utility construction has been completed.

10. The typical street construction cross sections that will apply to Carey Communities are attached hereto as Sections A, B, C, D and E. All streets and alleys are to be dedicated to the Town of Milton upon completion of construction to Milton standards for perpetual maintenance by the Town of Milton.
11. Community residential and commercial trash containers shall be stored in garages, or fully enclosed cabinets or corrals.
12. Street lighting within the community along all public streets shall be the standard Town of Milton “Granville” fixture on fluted 12’ poles as supplied by Conectiv Power Company. Private street lighting within community park areas shall also be the “Granville” fixture with maintenance becoming the responsibility of the Home Owners’ Association.
13. All signage within Carey Communities shall adhere to Milton Ordinance standards.
14. All accessory buildings erected within the community shall conform to the R-1 Residential height, area and bulk requirements.
15. Street trees planted between the curb and sidewalk or within median planting strips shall be installed at the minimum rate of two (2) trees per residential unit or at least 850 trees total throughout the community.
16. The eight and one half (8 ½) acre area for commercial and business uses of convenience and necessity to the development shall be delineated and illustrated upon the Masterplan. The zoning district upon which the commercial and business uses are allowed is R-1 LPD. Permitted Uses within the 8 ½ acre commercial and business area are from those permitted principal and special uses from the Town Center District and the Commercial and Business Use District (specific use list attached hereto).
17. A provision is to be made for a vehicular (auto, bus and bicycle) and pedestrian connection between Cannery Village and the Carey Communities site. The street construction connecting Cannery Village and Carey Communities shall conform to Town of Milton standards and specifications. The expense for construction of improvements up to the Cannery Village property boundary shall be borne by Carey Communities.

18. All Park (open space) fronting lots within the community shall have a provision for connecting those residences with a paved pedestrian walk to the public street sidewalk system. These open space fronting residential lot walkways shall be adequately illuminated with “Granville” style lighting owned by the Home Owners Association allowing for pedestrian safety.
19. The height area and bulk requirements for Carey Communities shall conform to the Milton Zoning Ordinance sections 5.2, 5.3 and 5.7 (copy attached hereto). Specific height, area and bulk controls which apply to the Carey Communities are as follows:

The **minimum allowable lot area and lot width for single family** homes shall be 5,000 square feet and fifty (50) feet respectively.

Maximum height.....40 feet  
Maximum stories.....3  
Maximum coverage.....70% (principal building and accessory buildings)  
Depth of front yard.....5 feet  
Corner lot side/front yard.....15 feet  
Depth of side yard.....5 feet  
Depth of rear yard.....5 feet

The **minimum allowable lot area and lot width for semi-detached** homes shall be 3,000 square feet and thirty (30) feet respectively.

Maximum height.....40 feet  
Maximum stories.....3  
Maximum coverage.....70% (principal building and accessory buildings)  
Depth of front yard.....5 feet  
Corner lot side/front yard.....15 feet  
Depth of side yard.....5 feet (none required on common walls)  
Depth of rear yard.....5 feet

The **minimum allowable lot area and lot width for townhouses and multi-family** homes shall be 2,500 square feet and twenty (20) feet respectively.

Maximum height.....40 feet  
Maximum stories.....3  
Maximum coverage.....70% (principal building and accessory buildings)  
Depth of front yard.....5 feet  
Corner lot side/front yard.....15 feet

Depth of side yard.....5 feet (none required on common walls)  
Depth of rear yard.....5 feet

**R -1 LPD Commercial and Business District Permitted Principal Uses.**

1. Antique and craft shops.
2. Art galleries.
3. Banks and financial institutions (drive through permitted).
4. Barber and beauty shops.
5. Colleges and institutions of higher education.
6. Day care centers.
7. Detached single-family dwellings.
8. Dwelling units above first floor businesses.
9. Eating establishments, including but not limited to:
  - Coffee shop
  - Delicatessens
  - Luncheonettes
  - Restaurants, standard and fast food without drive throughs
10. Food stores, including but not limited to:
  - Bakeries
  - Confectionery shop
  - Convenience/Mini-markets
  - Dairy product outlet
  - Ice cream blending
  - Grocery store
  - Liquor store
  - Meat, fish or poultry store
  - Food take-out or delivery services
11. General merchandise stores, including but not limited to:
  - Automotive parts store
  - Clothing store
  - Department store
  - Drugstore
  - Dry goods
  - Hardware store
  - Home furnishing store
  - Household appliance store
  - Marine supplies
  - Pet store
  - Paint store
  - Shoe store
  - Sporting goods
  - Variety store
12. General business offices.
13. Governmental uses.
14. Libraries.
15. Museums.
16. Newspaper and publishing facilities.
17. Non-profit membership clubs.

18. Nursery schools.
19. Personal service establishments.
  - Barbers
  - Beauticians
  - Dressmakers
  - Dry cleaning businesses, pick-up and drop-off only
  - Laundry, self-service
  - Laundry service
  - Shoe repair
  - Tailors
20. Photographic studios.
21. Professional offices.
22. Public or private schools.
23. Public parks and recreational uses.
24. Retail business establishments, including but not limited to:
  - Antique and craft shops
  - Art galleries
  - Cosmetic store
  - Florist shop
  - Gift shop
  - Hobby store
  - Jewelry store
  - Music store
  - Newspaper store
  - Photography store
  - Tobacco store
25. Retail businesses and commercial uses of a convenience and pedestrian-oriented nature.
26. Theaters.
27. Adult care facilities.
28. Medical clinics.
29. Recreation / Fitness / Spa
30. Swimming pools.

**Special use:**

The Town of Milton Planning and Zoning Commission shall consider any use not listed above as a conditional use in accordance with Section 11 of the Zoning Ordinance.

**4. Broadkill Views LLC – 113 Union St. 2-35-14.19 184.00**

*Planning and Zoning will review the application from Broadkill Views LLC for conceptual site plan on a proposed restaurant apartment building and make recommendations for site. Meridian Architects and Engineers filed the application for Broadkill Views LLC.*

Linda Rogers introduced the application and asked if anyone was here to represent the application. Darin Lockwood and Bruce Moneta stated they were representing the application and Mr. Lockwood stated he was purchasing the property. Mr. Moneta proceeded to explain the conceptual drawings for the new building. A restaurant and

condo units are being proposed. There was much discussion for the site with some concerns being brought forward. A list of concerns/possible proposals are listed below:

1. Current Zoning – T/C
2. Use – Special Permitted Use
3. Setbacks – 0’ front, 0’ side, 10’ rear. What do you determine to be the rear?
4. Minimum square footage for dwellings is 1100 sq ft. as per Section 10-6. If smaller must go through town council.
5. Property located in flood plain. Section 22 of the Town of Milton Ordinances gives details on developing/building within the flood plain.
6. Parking – In Town Center P & Z may waive in whole or in part the number of off street parking spaces required. Section 7.2.5
  - a. Required parking spaces: Dwelling Unit = 2
  - b. Restaurant = 1 space per 100 sq ft
  - c. Total parking spaces required for site – 75
7. Restaurant / bar is a special permitted use: Establish restrictions if any (hours of operation, Noise levels, Outside alcohol, ect.)
8. Trash removal – Daily A.M. pick-up, Containers to be emptied daily and stored at the rear of the property. Trash corral located at rear of building or located in the building.
9. Deliveries – Between the hours of 6 A.M. and 11 A.M. on any weekday.
10. The outdoor area in the 2<sup>nd</sup> floor is it open to the sky?
11. EDU impact will need to be determined the difference between Milton sausage & proposed use will need to be paid.
12. Area distance between building, ramp and sidewalk along Union St?
13. Plan for the area between building/ramp and sidewalk?

#### CONCIDERATIONS

1. Pave parking spaces in other town locations for public parking. Also repave and mark Municipal Parking Lot
2. Any Signage proposed?
3. What if any outdoor lighting proposed.
4. Extend the granville lighting along Union St.
5. What is the plan for the outdoor furniture
6. Tree planting to continue along Union St.
7. Continue brick sidewalk to bridge

Mr. Lockwood stated he could not propose any parking on the property. However he did state he would be willing to explore the option of a parking garage if he could get a height waiver. He was informed that the variance would need to go before the BOA. The P&Z was not apposed to a parking garage and was intrigued by the site layout and design.

P & Z meeting closed at approximately 2100.